

*Status: Point in time view as at 29/09/2018.*

*Changes to legislation: Pensions Act (Northern Ireland) 2015, Cross Heading: Postponing or suspending state pension is up to date with all changes known to be in force on or before 08 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



## 2015 CHAPTER 5

### PART 1

#### STATE PENSION

##### *Postponing or suspending state pension*

##### **Pensioner's option to suspend state pension**

**16.—(1)** A person who has become entitled to a state pension under this Part may opt to suspend his or her entitlement in accordance with regulations.

(2) A person is not entitled to any state pension under this Part for the period for which the person has opted to suspend his or her entitlement.

(3) For other effects of a person exercising the option, see section 17.

(4) A person may not opt to suspend his or her entitlement to a state pension under this Part on more than one occasion.

(5) Regulations may specify other circumstances in which a person may not opt to suspend his or her entitlement to a state pension under this Part.

(6) Regulations may allow a person who has opted to suspend his or her entitlement to a state pension under this Part to cancel the exercise of that option (in whole or in part) in relation to a past period.

##### **Commencement Information**

- I1** S. 16(1)(6) in operation at 16.7.2015 for specified purposes by [S.R. 2015/307](#), [art. 2\(2\)\(d\)](#)
- I2** S. 16 in operation at 6.4.2016 so far as not brought into operation earlier by an order, see [s. 53\(1\)\(3\)](#)

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### **Effect of pensioner postponing or suspending state pension**

17.—(1) If a person's entitlement to a state pension under this Part has been deferred for a period, the weekly rate of the person's state pension is increased by an amount equal to the sum of the increments to which the person is entitled.

(2) But the weekly rate is not to be increased under subsection (1) if the increase would be less than 1% of the person's weekly rate ignoring that subsection.

(3) A person is entitled to one increment for each whole week in the period during which the person's entitlement to a state pension was deferred.

(4) The amount of an increment is equal to a specified percentage of the weekly rate of the state pension to which the person would have been entitled immediately before the end of that period if the person's entitlement had not been deferred.

(5) In subsection (4) “specified” means specified in regulations.

(6) The amount of an increase under this section is itself to be increased from time to time in accordance with any order made under section 132 of the Administration Act (annual up-rating of benefits).

(7) For the purposes of this section and section 18 a person's entitlement to a state pension under this Part is deferred for a period if the person has opted under section 16 to suspend his or her entitlement for that period.

(8) For the purposes of this section and section 18 a person's entitlement to a state pension under this Part is also deferred for a period if the person is not entitled to it for that period by reason only of—

- (a) not satisfying the conditions in section 1 of the Administration Act (entitlement dependent on claim etc.), or
- (b) subsection (9).

(9) A person is not entitled to a state pension under this Part for any period during which his or her entitlement to any other state pension under this Part is deferred.

#### **Modifications etc. (not altering text)**

- C1** S. 17 sums amended (with effect in accordance with arts. 1(3), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2017 \(S.R. 2017/56\)](#), arts. 1(1)(c), **6(3)**
- C2** S. 17 sums amended (25.9.2017) by [The Social Security Benefits Up-rating \(No. 2\) Order \(Northern Ireland\) 2017 \(S.R. 2017/187\)](#), arts. 1, **6(2)**
- C3** S. 17 sums amended (24.3.2018) by [The Social Security \(2017 Benefits Up-rating\) Order \(Northern Ireland\) 2018 \(S.R. 2018/56\)](#), arts. 1, **6(2)**

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- C4** S. 17 sums amended (with effect in accordance with arts. 1(2)(3), 7 of the amending Rule) by [The Social Security Benefits Up-rating Order \(Northern Ireland\) 2018 \(S.R. 2018/58\)](#), arts. 1(1)(c), **6(3)**
- C5** S. 17 sums amended (29.9.2018) by [The Social Security Benefits Up-rating \(No. 2\) Order \(Northern Ireland\) 2018 \(S.R. 2018/167\)](#), arts. 1, **6(2)**

#### Commencement Information

- I3** S. 17(4)(5) in operation at 16.7.2015 for specified purposes by [S.R. 2015/307](#), **art. 2(2)(e)**
- I4** S. 17 in operation at 6.4.2016 so far as not brought into operation earlier by an order, see [s. 53\(1\)\(3\)](#)

### Section 17 supplementary: calculating weeks, overseas residents, etc.

#### 18.—(1) Regulations may—

- (a) provide for circumstances in which a part of a week is to be treated for the purposes of section 17(3) as a whole week, and
- (b) provide for circumstances in which a day does not count in determining a number of whole weeks for the purposes of section 17(3) (for example if the person is receiving other benefits).

(2) Regulations may modify section 17(4) in cases where, at any time in the period during which a person's entitlement to a state pension is deferred, the rate for the person would have changed otherwise than because of an up-rating increase.

(3) Regulations may modify section 17(4) in relation to a person who has been an overseas resident during any part of the period for which the person's entitlement to a state pension has been deferred.

(4) In subsection (3) “overseas resident” means a person who is not ordinarily resident in Northern Ireland or any other territory specified in the regulations.

(5) Regulations may amend the percentage specified in section 17(2).

#### Commencement Information

- I5** S. 18(1) in operation at 16.7.2015 for specified purposes by [S.R. 2015/307](#), **art. 2(2)(f)**
- I6** S. 18(2)-(4) in operation at 25.2.2016 for specified purposes by [S.R. 2016/68](#), **art. 2(c)**
- I7** S. 18 in operation at 6.4.2016 so far as not brought into operation earlier by an order, see [s. 53\(1\)\(3\)](#)

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